

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1101 be amended to read as follows:

- 1 Page 10, between lines 24 and 25, begin a new paragraph and insert:
- 2 "SECTION 16. IC 3-11-1.5-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. A county executive
- 4 shall establish precincts so that each boundary of each precinct does
- 5 not cross the boundary of:
- 6 (1) the state;
- 7 (2) a county;
- 8 (3) a township;
- 9 ~~(4) a city;~~
- 10 ~~(5)~~ (4) a district of the House of Representatives of the Congress
- 11 of the United States;
- 12 ~~(6)~~ (5) a district of the senate of the general assembly; or
- 13 ~~(7)~~ (6) a district of the house of representatives of the general
- 14 assembly.
- 15 SECTION 17. IC 3-11-1.5-5, AS AMENDED BY P.L.212-2001,
- 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2002]: Sec. 5. A county executive shall establish precincts so
- 18 that each boundary of each precinct follows:
- 19 (1) a boundary described in section 4 of this chapter;
- 20 (2) a boundary of a **city or** town;
- 21 (3) a boundary of a town legislative body district;
- 22 (4) a boundary of a census block established by the Bureau of the
- 23 Census and depicted in the GIS; or
- 24 (5) a boundary of a school corporation that does not follow a
- 25 census block line.
- 26 SECTION 18. IC 3-11-1.5-25, AS AMENDED BY P.L.212-2001,
- 27 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2002]: Sec. 25. **In addition to the period specified in section**
- 29 **25.5 of this chapter**, a precinct establishment order may not become
- 30 effective during the following periods:
- 31 (1) In a year in which a general election is held, the period

beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2-4 and ending the day following general election day.

(2) For precincts located wholly or partially within a municipality, after January 31 and before the day following municipal election day, in a year in which a municipal election is held.

SECTION 19. IC 3-11-1.5-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 25.5. (a) A precinct establishment order may not take effect during the period:**

(1) beginning August 1 of the year preceding a year in which a federal decennial census is conducted; and

(2) ending on the latest effective date of the redistricting plans for the election of:

(A) United States Representatives;

(B) senators in the general assembly; and

(C) representatives in the general assembly;

adopted in the year following a federal decennial census.

(b) Whenever a precinct boundary splits a census block, the office may move the precinct boundaries to the next whole census block for the purpose of the tabulation of the population before a federal decennial census.

(c) The office shall transmit all changes in precinct boundaries made in accordance with subsection (b) to:

(1) the election division; and

(2) the clerk of the circuit court of each county in which the precincts are located.

SECTION 20. IC 3-11-1.5-25.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 25.7. (a) This section applies to the redistricting plans prepared after November 8, 2011, for the following:**

(1) A board of county commissioners under IC 36-2-2-4.

(2) A county fiscal body under IC 36-2-3-4.

(3) A municipal legislative body under:

(A) IC 36-3-4-3;

(B) IC 36-4-6-3;

(C) IC 36-4-6-4;

(D) IC 36-4-6-5;

(E) IC 36-5-1-10.1;

(F) IC 36-5-2-4.1; or

(G) IC 36-5-2-4.2.

(4) A township legislative body under IC 36-6-6-2.5.

(5) Any other local governmental body or office required periodically to establish or revise its districts.

(b) Except as provided in subsection (c), a redistricting plan must use the precinct boundaries used in preparing the redistricting plans for the election of:

1 **(1) United States Representatives;**
 2 **(2) senators in the general assembly; and**
 3 **(3) representatives in the general assembly;**
 4 **adopted after the latest federal decennial census.**

5 **(c) A redistricting plan must:**

6 **(1) assign territory described in an annexation ordinance; and**
 7 **(2) unassign territory described in a disannexation ordinance;**
 8 **not incorporated into the precinct boundaries described in**
 9 **subsection (b).**

10 SECTION 21. IC 3-11-1.5-31 IS AMENDED TO READ AS
 11 FOLLOWS [JULY 1, 2002] [EFFECTIVE JULY 1, 2002]: Sec. 31. (a)
 12 After the co-directors have reviewed the proposed precinct
 13 establishment order, and the order has been revised, if necessary, to
 14 comply with this chapter, the commission shall:

15 (1) approve a proposed precinct establishment order under this
 16 section no later than the following January 31; and
 17 (2) order that the precinct establishment order takes effect January
 18 31 of the year in which the municipal election will be held.

19 (b) ~~This subsection applies to a county that has a precinct that~~
 20 ~~crosses a city boundary in violation of section 4(4) of this chapter.~~
 21 ~~Notwithstanding section 25 of this chapter, if the county does not issue~~
 22 ~~a precinct establishment order that establishes precincts in compliance~~
 23 ~~with section 4(4) of this chapter by December 31 preceding the year in~~
 24 ~~which the municipal election will be held, the commission may issue~~
 25 ~~an order establishing precincts that comply with section 4(4) of this~~
 26 ~~chapter after January 15 and before the following February 16."~~

27 Page 15, between lines 26 and 27, begin a new paragraph and insert:
 28 "SECTION 33. IC 36-2-2-4, AS AMENDED BY P.L.122-2000,
 29 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2002]: Sec. 4. (a) This subsection does not apply to a county
 31 having a population of:

32 (1) more than four hundred thousand (400,000) but less than
 33 seven hundred thousand (700,000); or
 34 (2) more than two hundred thousand (200,000) but less than three
 35 hundred thousand (300,000).

36 The executive shall divide the county into three (3) districts that are
 37 composed of contiguous territory and are reasonably compact. The
 38 district boundaries drawn by the executive must not cross precinct
 39 boundary lines and must divide townships only when a division is
 40 clearly necessary to accomplish redistricting under this section. If
 41 necessary, the county auditor shall call a special meeting of the
 42 executive to establish or revise districts.

43 (b) This subsection applies to a county having a population of more
 44 than four hundred thousand (400,000) but less than seven hundred
 45 thousand (700,000). A county redistricting commission shall divide the
 46 county into three (3) single-member districts that comply with
 47 subsection (d). The commission is composed of:

- (1) the members of the Indiana election commission;
- (2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and
- (3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The executive shall divide the county into three (3) single-member districts that comply with subsection (d).

(d) Single-member districts established under subsection (b) or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) contain, as nearly as is possible, equal population; and
- (3) not cross precinct lines.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) in 2001 and every ten (10) years after that; and
- (2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) After November 8, 2011, a division under this section is subject to IC 3-11-1.5-25.7.

SECTION 34. IC 36-2-3-4, AS AMENDED BY P.L.122-2000, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more

than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and
- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

- (1) in 2001 and every ten (10) years after that; and
- (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(g) After November 8, 2011, a division under this section is subject to IC 3-11-1.5-25.7.

SECTION 35. IC 36-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The city-county legislative body shall, by ordinance, divide the whole county into twenty-five (25) districts that:

- (1) are compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) contain, as nearly as is possible, **reasonably practical**, equal population; and
- (3) do not cross precinct boundary lines **to the extent reasonably practical**.

This division shall be made in 1992 and every ten (10) years after that, and may also be made at any other time, subject to IC 3-11-1.5-32.

(b) **In making the division required by subsection (a), the city-county legislative body shall use the precinct boundary lines**

1 **used in the most recent countywide election held before the year in**
 2 **which the division is made.**

3 (c) The legislative body is composed of twenty-five (25) members
 4 elected from the districts established under subsection (a) and four (4)
 5 members elected from an at large district containing the whole county.

6 ~~(c)~~ (d) Each voter of the county may vote for four (4) candidates for
 7 at large membership and one (1) candidate from the district in which
 8 the voter resides. The four (4) at large candidates receiving the most
 9 votes from the whole county and the district candidates receiving the
 10 most votes from their respective districts are elected to the legislative
 11 body.

12 ~~(d)~~ (e) If the legislative body fails to make the division before the
 13 date prescribed by subsection (a) or the division is alleged to violate
 14 subsection (a) or other law, a taxpayer or registered voter of the county
 15 may petition the superior court of the county to hear and determine the
 16 matter. There may not be a change of venue from the court or from the
 17 county. The court sitting en banc may appoint a master to assist in its
 18 determination and may draw proper district boundaries if necessary. An
 19 appeal from the court's judgment must be taken within thirty (30) days,
 20 directly to the supreme court, in the same manner as appeals from other
 21 actions.

22 ~~(e)~~ (f) An election of the legislative body held under the ordinance
 23 or court judgment determining districts that is in effect on the date of
 24 the election is valid, regardless of whether the ordinance or judgment
 25 is later determined to be invalid.

26 (g) **After November 8, 2011, a division under this section is**
 27 **subject to IC 3-11-1.5-25.7.**

28 SECTION 36. IC 36-3-4-14 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) An
 30 ordinance or resolution passed by a legislative body is considered
 31 adopted when it is:

- 32 (1) signed by the presiding officer; and
- 33 (2) if subject to veto, either approved by the executive or passed
 34 over his veto by the legislative body, under section 16 of this
 35 chapter.

36 (b) All ordinances and resolutions of a legislative body are subject
 37 to veto, except the following:

- 38 (1) An ordinance or resolution, or part of either, providing for the
 39 budget or appropriating money for an office or officer of the
 40 county provided for by the Constitution of Indiana or for a judicial
 41 office or officer.
- 42 (2) An ordinance or resolution approving or modifying the budget
 43 of a political subdivision that the legislative body is permitted by
 44 statute to review.
- 45 (3) A resolution making an appointment that the legislative body
 46 is authorized to make.
- 47 (4) A resolution selecting officers or employees of the legislative

1 body.

2 (5) A resolution prescribing rules for the internal management of
3 the legislative body.

4 (6) A zoning ordinance or amendment to a zoning ordinance, or
5 a resolution approving a comprehensive plan, that is adopted
6 under IC 36-7.

7 **(7) An ordinance making the division required under section**
8 **3(a) of this chapter.**

9 (c) An ordinance prescribing a penalty or forfeiture for a violation
10 must, before it takes effect, be published in the manner prescribed by
11 IC 5-3-1, unless:

- 12 (1) it is published under subsection (d); or
13 (2) there is an urgent necessity requiring its immediate
14 effectiveness, the executive proclaims the urgent necessity, and
15 copies of the ordinance are posted in three (3) public places in the
16 county.

17 (d) If a legislative body publishes any of its ordinances in book or
18 pamphlet form, no other publication is required. If an ordinance
19 prescribing a penalty or forfeiture for a violation is published under this
20 subsection, it takes effect two (2) weeks after the publication of the
21 book or pamphlet. Publication under this subsection, if authorized by
22 the legislative body, constitutes presumptive evidence:

- 23 (1) of the ordinances in the book or pamphlet;
24 (2) of the date of adoption of the ordinances; and
25 (3) that the ordinances have been properly signed, attested,
26 recorded, and approved.

27 (e) Unless a legislative body provides in an ordinance or resolution
28 for a later effective date, the ordinance or resolution takes effect when
29 it is adopted, subject to subsections (c) and (d).

30 (f) Subsections (a), (c), (d), and (e) do not apply to zoning
31 ordinances or amendments to zoning ordinances, or resolutions
32 approving comprehensive plans, that are adopted under IC 36-7.

33 **SECTION 37. IC 36-4-6-3 IS AMENDED TO READ AS**
34 **FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This section**
35 **applies only to second class cities.**

36 (b) The legislative body shall adopt an ordinance to divide the city
37 into six (6) districts that:

- 38 (1) are composed of contiguous territory, except for territory that
39 is not contiguous to any other part of the city;
40 (2) are reasonably compact;
41 (3) do not cross precinct boundary lines, except as provided in
42 subsection (c) or (d); and
43 (4) contain, as nearly as is possible, equal population.

44 (c) The boundary of a city legislative body district may cross a
45 precinct boundary line if:

- 46 (1) more than one (1) member of the legislative body elected from
47 the districts established under subsection (b) resides in one (1)

precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line except:

(1) when following a precinct boundary line; or

(2) the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

(2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b) shall be made in 2002, every ten (10) years after that, and when required to assign annexed territory to a district. This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) The legislative body is composed of six (6) members elected from the districts established under subsection (b) and three (3) at-large members.

(i) Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(k) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

(l) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

(m) After November 8, 2011, a division under this section is subject to IC 3-11-1.5-25.7.

SECTION 38. IC 36-4-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

(1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;

(2) are reasonably compact;

(3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b) or (j) resides in one

(1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line except:

(1) when following a precinct boundary line; or

(2) the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

(1) state that the legislative body is considering the adoption of an

ordinance described by this subsection; and

(2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b) or (j) shall be made in 2002, every ten (10) years after that, and when required to assign annexed territory to a district. This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j). The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j). Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

(1) are composed of contiguous territory;

(2) are reasonably compact;

(3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city no later than thirty (30) days after the ordinance is adopted.

(n) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(o) If any territory in the city is included in more than one (1) of the

1 districts established under this section, the territory is included in the
2 district that:

- 3 (1) is one (1) of the districts in which the territory is described in
- 4 the ordinance adopted under this section;
- 5 (2) is contiguous to that territory; and
- 6 (3) contains the least population of all districts contiguous to that
- 7 territory.

8 **(p) After November 8, 2011, a division under this section is**
9 **subject to IC 3-11-1.5-25.7.**

10 SECTION 39. IC 36-4-6-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) This section
12 applies to third class cities having a population of less than ten
13 thousand (10,000). The legislative body of such a city may, by
14 ordinance adopted before September 1, 1982, decide to be governed by
15 this section instead of section 4 of this chapter. If this ordinance is
16 repealed after August 31, 1982, except as a part of a codification of
17 ordinances that reenacts the ordinance under IC 36-1-5-6, then section
18 4 of this chapter again applies to the city. The clerk of the legislative
19 body shall send a certified copy of any ordinance adopted under this
20 subsection to the secretary of the county election board.

21 (b) This subsection does not apply to a city with an ordinance
22 described by subsection (j). The legislative body shall adopt an
23 ordinance to divide the city into four (4) districts that:

- 24 (1) are composed of contiguous territory, except for territory that
- 25 is not contiguous to any other part of the city;
- 26 (2) are reasonably compact;
- 27 (3) do not cross precinct boundary lines except as provided in
- 28 subsection (c) or (d); and
- 29 (4) contain, as nearly as is possible, equal population.

30 (c) The boundary of a city legislative body district may cross a
31 precinct boundary line if:

- 32 (1) more than one (1) member of the legislative body elected from
- 33 the districts established under subsection (b) or (j) resides in one
- 34 (1) precinct established under IC 3-11-1.5 after the most recent
- 35 municipal election; and
- 36 (2) following the establishment of a legislative body district
- 37 whose boundary crosses a precinct boundary line, not more than
- 38 one (1) member of the legislative body elected from the districts
- 39 resides within the same city legislative body district.

40 (d) The boundary of a city legislative body district may cross a
41 precinct line if the districts would not otherwise contain, as nearly as
42 is possible, equal population.

43 (e) A city legislative body district with a boundary described by
44 subsection (c) or (d) may not cross a census block boundary line
45 except:

- 46 (1) when following a precinct boundary line; or
- 47 (2) the city legislative body certifies in the ordinance that the

1 census block has no population, and is not likely to ever have
2 population.

3 (f) The legislative body may not adopt an ordinance dividing the city
4 into districts with boundaries described by subsection (c) or (d) unless
5 the clerk of the city mails a written notice to the circuit court clerk. The
6 notice must:

7 (1) state that the legislative body is considering the adoption of an
8 ordinance described by this subsection; and

9 (2) be mailed not later than ten (10) days before the legislative
10 body adopts the ordinance.

11 (g) The division under subsection (b) or (j) shall be made in 2002,
12 every ten (10) years after that, and when required to assign annexed
13 territory to a district. This division may be made at any other time,
14 subject to IC 3-11-1.5-32.

15 (h) This subsection does not apply to a city with an ordinance
16 described by subsection (j). The legislative body is composed of four
17 (4) members elected from the districts established under subsection (b)
18 and one (1) at-large member.

19 (i) This subsection does not apply to a city with an ordinance
20 described by subsection (j). Each voter may vote for one (1) candidate
21 for at-large membership and one (1) candidate from the district in
22 which the voter resides. The at-large candidate receiving the most votes
23 from the whole city and the district candidates receiving the most votes
24 from their respective districts are elected to the legislative body.

25 (j) A city may adopt an ordinance under this subsection to divide the
26 city into three (3) districts that:

27 (1) are composed of contiguous territory, except for territory that
28 is not contiguous to any other part of the city;

29 (2) are reasonably compact;

30 (3) do not cross precinct boundary lines, except as provided in
31 subsection (c) or (d); and

32 (4) contain, as nearly as is possible, equal population.

33 (k) This subsection applies to a city with an ordinance described by
34 subsection (j). The legislative body is composed of three (3) members
35 elected from the districts established under subsection (j) and two (2)
36 at-large members.

37 (l) This subsection applies to a city with an ordinance described by
38 subsection (j). Each voter of the city may vote for two (2) candidates
39 for at-large membership and one (1) candidate from the district in
40 which the voter resides. The two (2) at-large candidates receiving the
41 most votes from the whole city and the district candidates receiving the
42 most votes from their respective districts are elected to the legislative
43 body.

44 (m) This subsection applies to a city having a population of less than
45 seven thousand (7,000). A legislative body of such a city that has, by
46 resolution adopted before May 7, 1991, decided to continue an election
47 process that permits each voter of the city to vote for one (1) candidate

at large and one (1) candidate from each of its four (4) council districts may hold elections using that voting arrangement. The at-large candidate and the candidate from each district receiving the most votes from the whole city are elected to the legislative body. The districts established in cities adopting such a resolution may cross precinct boundary lines.

(n) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

(o) If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(p) If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(q) After November 8, 2011, a division under this section is subject to IC 3-11-1.5-25.7.

SECTION 40. IC 36-5-1-10.1, AS AMENDED BY P.L.123-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10.1. (a) Except as provided in subsection (g), if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

- (1) provide that:
 - (A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or
 - (B) divide the town into not less than three (3) nor more than seven (7) districts; and
- (2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If, on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, the election must be conducted on the date of the next general or municipal election held in any precincts in the county

1 after the election for which absentee balloting is being conducted.
 2 However, a primary election may not be conducted before an election
 3 conducted under this section, regardless of the population of the town.

4 (b) Districts established by an ordinance adopted under this section
 5 must comply with IC 3-11-1.5.

6 (c) If any territory in the town is not included in one (1) of the
 7 districts established under this section, the territory is included in the
 8 district that:

9 (1) is contiguous to that territory; and

10 (2) contains the least population of all districts contiguous to that
 11 territory.

12 (d) If any territory in the town is included in more than one (1) of
 13 the districts established under this section, the territory is included in
 14 the district that:

15 (1) is one (1) of the districts in which the territory is described in
 16 the ordinance adopted under this section;

17 (2) is contiguous to that territory; and

18 (3) contains the least population of all districts contiguous to that
 19 territory.

20 (e) Except as provided in subsection (f), an ordinance adopted under
 21 this section becomes effective when filed with:

22 (1) the office of the secretary of state; and

23 (2) the circuit court clerk of each county in which the town is
 24 located.

25 (f) An ordinance incorporating a town under this section may not
 26 take effect during the year preceding a year in which a federal
 27 decennial census is conducted. An ordinance under this section that
 28 would otherwise take effect during the year preceding a year in which
 29 a federal decennial census is conducted takes effect January 2 of the
 30 year in which a federal decennial census is conducted.

31 (g) Proceedings to incorporate a town across county boundaries
 32 must have the approval of the county executive of each county that
 33 contains a part of the proposed town. Each county that contains a part
 34 of the proposed town must adopt identical ordinances providing for the
 35 incorporation of the town.

36 **(h) After November 8, 2011, a division under this section is**
 37 **subject to IC 3-11-1.5-25.7.**

38 SECTION 41. IC 36-5-2-4.1 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.1. (a) The legislative
 40 body may, by ordinance, divide the town into districts for the purpose
 41 of conducting elections of town officers.

42 (b) A town legislative body district must comply with the following
 43 standards:

44 (1) The district must be composed of contiguous territory, except
 45 for territory that is not contiguous to any other part of the town.

46 (2) The district must be reasonably compact.

47 (3) The district must contain, as nearly as is possible, equal

- 1 population.
- 2 (4) The district may not cross a census block boundary except
- 3 when following a precinct boundary line or when the ordinance
- 4 specifies that the census block has no population and is not likely
- 5 to ever have population.
- 6 (5) The district may not cross precinct lines, except as provided
- 7 in subsection (c).
- 8 (c) The boundary of a town legislative body district established
- 9 under subsection (a) may cross a precinct boundary line if:
- 10 (1) the legislative body provides by ordinance under section 5 of
- 11 this chapter that all legislative body members are to be elected at
- 12 large by the voters of the whole town; or
- 13 (2) the district would not otherwise contain, as nearly as is
- 14 possible, equal population.
- 15 (d) If any territory in the town is not included in one (1) of the
- 16 districts established under this section, the territory is included in the
- 17 district that:
- 18 (1) is contiguous to that territory; and
- 19 (2) contains the least population of all districts contiguous to that
- 20 territory.
- 21 (e) If any territory in the town is included in more than one (1) of the
- 22 districts established under this section, the territory is included in the
- 23 district that:
- 24 (1) is one (1) of the districts in which the territory is described in
- 25 the ordinance adopted under this section;
- 26 (2) is contiguous to that territory; and
- 27 (3) contains the least population of all districts contiguous to that
- 28 territory.
- 29 (f) The ordinance may be appealed in the manner prescribed by
- 30 IC 34-13-6. If the town is located in two (2) or more counties, the
- 31 appeal may be filed in the circuit or superior court of any of those
- 32 counties.
- 33 (g) This subsection does not apply to a town with an ordinance
- 34 described by subsection (h). The division permitted by subsection (a)
- 35 shall be made in 2002, every ten (10) years after that, subject to
- 36 IC 3-11-1.5-32, and when required to assign annexed territory to a
- 37 municipal legislative body district. The division may also be made in
- 38 any other year.
- 39 (h) This subsection applies to a town having a population of less
- 40 than three thousand five hundred (3,500). The town legislative body
- 41 may adopt an ordinance providing that:
- 42 (1) town legislative body districts are abolished; and
- 43 (2) all members of the legislative body are elected at large.
- 44 (i) An ordinance described by subsection (h):
- 45 (1) may not be adopted or repealed during a year in which a
- 46 municipal election is scheduled to be conducted in the town under
- 47 IC 3-10-6 or IC 3-10-7; and

1 (2) is effective upon passage.

2 (j) A copy of the ordinance establishing districts under this section
3 must be filed with the circuit court clerk of the county that contains the
4 greatest population of the town not later than thirty (30) days after the
5 ordinance is adopted.

6 **(k) After November 8, 2011, a division under this section is**
7 **subject to IC 3-11-1.5-25.7.**

8 SECTION 42. IC 36-6-6-2.5, AS AMENDED BY P.L.122-2000,
9 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2002]: Sec. 2.5. (a) This section applies to townships in a
11 county having a population of more than seven hundred thousand
12 (700,000).

13 (b) The legislative body shall adopt a resolution that divides the
14 township into legislative body districts that:

- 15 (1) are composed of contiguous territory;
- 16 (2) are reasonably compact;
- 17 (3) respect, as nearly as reasonably practicable, precinct boundary
- 18 lines; and
- 19 (4) contain, as nearly as reasonably practicable, equal population.

20 (c) Before a legislative body may adopt a resolution that divides a
21 township into legislative body districts, the secretary of the legislative
22 body shall mail a written notice to the circuit court clerk. This notice
23 must:

- 24 (1) state that the legislative body is considering the adoption of a
- 25 resolution to divide the township into legislative body districts;
- 26 and
- 27 (2) be mailed not later than ten (10) days before the legislative
- 28 body adopts the resolution.

29 (d) The legislative body shall make a division into legislative body
30 districts at the following times:

- 31 (1) In 2001.
- 32 (2) Every ten (10) years after 2002.
- 33 (3) Subject to IC 3-11-1.5-32.5, whenever the boundary of the
- 34 township changes.

35 (e) The legislative body may make the division under this section at
36 any time, subject to IC 3-11-1.5-32.5.

37 **(f) After November 8, 2011, a division under this section is**
38 **subject to IC 3-11-1.5-25.7."**

- 1 Page 15, between lines 28 and 29, begin a new paragraph and insert:
- 2 "SECTION 44. IC 3-11-1.5-30 IS REPEALED [EFFECTIVE JULY
- 3 1, 2002].".
- 4 Renumber all SECTIONS consecutively.
(Reference is to EHB 1101 as printed February 20, 2002.)

Senator MILLER